

Thanks so much for having me submit testimony to the Economic Matters Committee for the hearing on the Seating for Employees (Right to Sit Act of 2022) on January 25, 2022. My name is Alex Press. I'm a labor journalist and I'm writing to express my support for the proposed bill.

As the pandemic has ravaged the United States over the past two years, grocery store employees have been referred to as "essential workers." They have kept stores open, performing a critical function for the public as Covid-19 spread through the country.

As a consequence of their essential role, and the exposure to customers it entails, grocery workers were hit [hard](#) by Covid-19. An April 2021 report by the United Food and Commercial Workers (UFCW) union, of which many grocery-store employees are members, [found](#) 178 deaths and at least 39,900 infections or exposures among members who work in grocery stores. As I write this testimony, more than 8,000 such workers are on strike across Colorado. As Kim Cordova, the president of UFCW Local 7, which represents those workers, [told me](#), one of their key concerns is adequate Covid-19 precautions, as well as safety measures and standards, a priority as workers interact with customers who resist social-distancing precautions within stores.

At the height of the pandemic, many grocery workers received hazard-pay raises in recognition of the vital role they were performing, as well as the heightened health risk to which they were exposed on the job. Those raises have long ended, even as the pandemic remains.

But there is a way for legislators to recognize the importance of this work, and a means of making it more sustainable, more dignified, and safer: prohibiting employers from unnecessarily requiring these workers to stand on the job.

Suitable-seating laws have a long history in the United States, having first been instituted in the late nineteenth and early twentieth century to apply to women workers, who were deemed to require state protections from poor working conditions—such as the era of passing minimum-wage laws specifically for women workers, too. While those laws have fallen off the books, the health problems that come with prolonged unnecessary standing remain.

A 2014 [review](#) of studies on the health risks of prolonged standing on the job found "ample evidence showing that prolonged standing at work leads to adverse health outcomes" including "lower back and leg pain, cardiovascular problems, fatigue, discomfort, and pregnancy related health outcomes." Indeed, a 2018 [study](#) published in the *American Journal of Epidemiology* [found](#) that people who primarily stand on the job are twice as likely to develop heart disease as people who primarily sit. Yet another [study](#) identified major health risks for individuals who stand for more than eight hours a day, including chronic venous insufficiency, musculoskeletal pain of the lower back and feet, preterm birth, and spontaneous abortions.

The health risks are clear, and states are beginning to respond to the evidence: in 2016, the Supreme Court of California unanimously ruled in *Kilby v. CVS Pharmacy* that employers cannot reasonably decline to make suitable seating available to a worker if her job can be performed while seated and the layout of the workspace is conducive to seating.

“There is no principled reason for denying an employee a seat when he spends a substantial part of his workday at a single location performing tasks that could reasonably be done while seated, merely because his job duties include other tasks that must be done standing,” wrote Justice Carol A. Corrigan for the court.

The case was one of dozens of class-action lawsuits filed by workers in California who suffered workplace injuries as a result of prolonged standing. As Paul Bowling, one of the workers in the case, said in a sworn declaration, “At the end of the day, I would be exhausted from standing in one place for hours and my legs would ache...I also suffered from varicose veins which were painful, especially when standing.”

Maryland could be a leader on the issue by passing a suitable-seating law for such workers, and at little cost to the state. Employers may object to the Right to Sit Act, citing the idea that workers appear “lazy” when sitting down. But it is worth noting that some employers already voluntarily allow workers to sit, finding it makes workers more, rather than less, productive.

ALDI, the German-owned grocery chain which now operates more than 2,000 stores in the United States, provides workers with the option to sit. Unnecessary standing is far less common in Europe—many clerks and cashiers sit while performing their work—but ALDI doesn’t only have this policy for cultural reasons. The company is ruthlessly—[some](#) say brutally—focused on efficiency, and it finds suitable seating in line with that priority.

New York State recently introduced a bill similar to the one under consideration in Maryland. The role that cashiers, clerks, and other essential workers played through the pandemic have made this an ideal moment for improving workers’ jobs, providing them the dignity they clearly deserve. With this bill, Maryland can make a difference in the lives of thousands of its workers, and provide a model for the rest of the country.

Thank you again for the opportunity to submit testimony. If you have any questions, I can be reached at saxlepres@gmail.com.